

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

VALERIE BIBBENS
180 Franklin Corner Road, E-2
Lawrenceville, NJ 08648

No.:

Plaintiff

vs.

GENERAL REVENUE CORPORATION
11501 Northlake Drive
Cincinnati, OH 45249

Defendant

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 (“FDCPA”).
2. The FDCPA prohibits collectors from engaging in deceptive and unfair practices in the collection of consumer debt.
3. Defendant is subject to strict liability for sending a communication which violates the provisions of the FDCPA.

II. JURISDICTION

4. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

III. PARTIES

5. Plaintiff is Valerie Bibbens. She is a consumer who resides in Lawrenceville, New Jersey at the address captioned.
6. Defendant General Revenue Corporation (hereafter “General Revenue”) is a debt collector with an address as captioned above.

7. General Revenue regularly uses the mails and telephone to attempt to collect consumer debts alleged to be due another.

8. General Revenue is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

IV. STATEMENT OF CLAIM

9. Beginning in September of 2008 the Defendant began calls to the Plaintiff in an attempt to collect a debt for a student loan.

10. The Defendant would call the Plaintiff at her place of employment.

11. Plaintiff informed the Defendant’s agents that she can not take personal calls at work.

12. Plaintiff continued to receive calls at work.

13. Defendant’s agents also contacted the Plaintiff’s mother and Plaintiff’s sister, after they had already located and spoken to Plaintiff.

14. On October 3, 2008, Defendant General Revenue sent a communication to plaintiff’s employer, via facsimile. A copy of the letter is attached hereto as Exhibit “A”

15. The October 3, 2008 letter ostensibly sought to “verify” plaintiff’s employment although Defendant obviously had that information prior to October 3, 2008.

16. Defendant’s letter requested address information and plaintiff’s home telephone number.

17. Pursuant to §1692c(b) and except for those individuals identified therein, a debt collector may not communicate with any person, including a consumer’s employer, without the prior consent of the consumer. No consent was given here.

18. Section 1692b of the FDCPA provides a very limited exception to the no contact

rule contained in §1692c(b). That exception involves acquiring location information about the consumer.

19. A debt collector, in acquiring location information, cannot use any language or symbol in any communication which indicates that he is a debt collector or that the communication relates to the collection of a debt. 15 U.S.C. §1692b(5).

20. General Revenue violated §1692c(b) of the FDCPA since plaintiff did not consent to General Revenue contacting her employer and since General Revenue did not legitimately need to acquire location information. General Revenue knew where plaintiff worked and knew her home telephone number.

21. Defendant's October 3, 2008 letter was sent to plaintiff's employer strictly to harass and embarrass plaintiff.

22. Defendant's letter also violates Section 1692b(5) of the FDCPA since the name "General Revenue" certainly indicates that the letter is from a debt collector.

COUNT I - FAIR DEBT COLLECTION PRACTICES ACT

23. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

24. Defendant's conduct violated the FDCPA in the following ways:

(a) By impermissibly seeking location information in violation of 15 U.S.C. §1692b;

(b) By disclosing in the contents of its communications to plaintiff's employer that the defendant is in the debt collection business or that the communication relates to the collection of a debt, in violation of 15 U.S.C. §1692b(5);

(c) By contacting third parties without plaintiff's prior consent, in violation of

15 U.S.C. §1692c; and

(d) By engaging in harassing, oppressive, and abusive conduct in violation of

15 U.S.C. §1692d.

WHEREFORE, Plaintiff, Valerie Bibbens demands judgment against defendant General Revenue Corporation, for:

(a) Actual and statutory damages;

(b) Attorney's fees and costs; and

(c) Such other and further relief as the Court shall deem just and proper.

V. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

/s/ Bruce K. Warren
Bruce K. Warren, Esq.
Attorney for Plaintiff
Warren & Vullings, LLP
1603 Rhawn Street
Philadelphia, PA 19111
215-745-9800
215-745-7880(fax)

EXHIBIT “A”



INDIANAPOLIS, IN • CINCINNATI, OH • LAS VEGAS, NV • HORSEHEADS, NY
STREET ADDRESS: 11501 NORTHLAKE DRIVE • CINCINNATI OH 45249-1643

(877) 672-9952

OCT 03 2008

Re: File Number 96748400
VALERIE J BIBBENS

Fax #: (513) 469-1471

Payment Address:

General Revenue Corporation
PO Box 495999
Cincinnati OH 45249-5999

Correspondence Address:

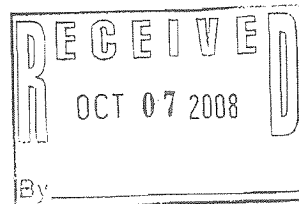
GRC
PO Box 495999
Cincinnati OH 45249-5999

96748400-411
Autism Speaks
1060 State Rd 2nd Fl
Princeton NJ 08540-1446

To Whom it May Concern:

Your assistance would be greatly appreciated in an effort to verify the employment of:

Name: VALERIE J BIBBENS
Soc Sec No: XXX-XX-2758



Please provide the following:

1) Address: _____

City: _____ State: _____ Zip: _____

Home Phone No: (____) _____

2) Are they currently employed? _____

(completed by) (title) (date)

CONGRCO05411

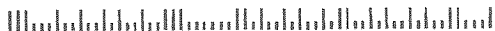


ONGRC005
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

DO NOT SEND PAYMENTS -OR-
CORRESPONDENCE TO THIS ADDRESS!

OCT 03 2008

#BWNHRMD 0079499 073342830
#1003 0927 0026 3314# 96748400-411



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